

**Notice of Allowability**

Application No.

10/803,617

Examiner

Sherman D. Basinger

Applicant(s)

MATSUDA, YOSHIMOTO

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed September 22, 2005.
2. ☒ The allowed claim(s) is/are 3,4,6,8-11 and 13-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 13, line 1 –watercraft- has been inserted after “personal”. Applicant inadvertently left out “watercraft” when rewriting claim 13 for the response filed September 22, 2005.

2. The following is an examiner's statement of reasons for allowance: Claim 3 and the claims depending therefrom are allowed in view of the following arguments presented by applicant in the response filed September 22, 2005.

-In addition or in the alternative, Applicant requests that the rejection based on Araki be withdrawn based on the following identified differences between the prior art and amended claim 3. Amended claim 3 recites a stand-up type personal watercraft that includes a steering column that is pivotally supported on a front portion of the deck at a front end portion thereof and is configured to extend rearward in a longitudinal direction of the body. Amended claim 3 further recites a foot deck configured to extend from under a rear end portion of the steering column to a rear end portion of the body so as to include an axis located at a center in a lateral direction of the body so as to extend along the

longitudinal direction of the body, and wherein the four-cycle multi-cylinder engine is mounted within the body to be located under the steering column such that a crankshaft thereof extends substantially in the longitudinal direction of the body and the cylinders are oriented to extend vertically.

Typically, it is difficult to effectively mount a four-cycle engine in a stand-up type personal watercraft such that cylinders are oriented to extend vertically, since size limitations of the body would result in the center of gravity of the watercraft being too high. One potential advantage of the combination of features recited in amended claim 3 is that the vertical dimension of an inline four-cylinder engine may be controlled/decreased, by connecting each of an air intake manifold and an exhaust manifold to the cylinder head and extending each downward from the cylinder head, through a position horizontally lateral of the cylinder block, to a position horizontally lateral of the crank case.

According to this configuration, the center of gravity of the structure including the engine and the manifolds may be located lower than previously believed possible in this type of watercraft. This low center of gravity stabilizes the attitude of the body of the stand-up type personal watercraft, thus enabling a four-cycle engine to be effectively mounted within the body such that the cylinders are oriented to extend vertically, without undesirably affecting performance of the watercraft. In contrast to the configuration claimed in amended claim 3, Araki fails to disclose a construction in which a four-cycle engine is mounted in a stand-up type personal watercraft. And

further, the invention of Araki is not directed to locating a center of gravity of an engine lower. Thus, Araki fails to disclose each and every structural feature of the configuration of amended claim 3, and further does not achieve the potential advantageous effects of the claimed configuration.-

Claim 11 is allowed for the following arguments presented by applicant in the response filed September 22, 2005.

-Amended claim 11 recites that a stand-up type personal watercraft comprises a steering column and a foot deck, which are configured similar to those recited in amended claim 3. The watercraft includes an inline four-cylinder four-cycle engine mounted within a body thereof, and the engine is mounted such that a crankshaft extends along a longitudinal direction of the body and cylinders are oriented to extend vertically. Nanami, on the other hand, discloses a straddle-type personal watercraft including a two- cycle engine mounted in a body thereof such that a crankshaft extends in a lateral direction of the body (see Fig. 23). As will be understood by a comparison of amended claim 11 to the specification and figures of Nanami, there are numerous substantial differences between the configuration of claim 11 and Nanami, such as the type of watercraft, type of engine, and orientation or direction of the engine mounted in the body. Given these differences, applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to

combine the teachings of Nanami with Nakase, et al. (No. 5,634,832), and/or Inoue, et al. (US202/0104298) to arrive at the claimed invention.

Claims 8, 10 and 13 are dependent claims rewritten into independent form and were, as dependent claims, indicated as containing allowable subject matter in the first office action because the prior art of record taken alone or in combination did not teach or fairly suggest:

a deck hood covering the deck opening, wherein the deck hood has a concave portion upwardly recessed and opposed to an upper portion of the cylinder head cover so as to accommodate the cylinder head cover therein, with the deck hood covering the deck opening, and an air flow space located laterally relative to the concave portion to allow air taken in from outside to flow therein;

a crankshaft contained within the crankcase of the engine,  
a starter gear mounted on the crankshaft and configured to rotate integrally with the crankshaft by an output of a starter motor for starting the engine and an oil pump configured to deliver oil that circulates within the engine, the oil pump being provided with a pump gear for driving the oil pump, wherein the pump gear of the oil pump is configured to mesh with the starter gear; and

two mufflers provided in an exhaust passage of the engine, wherein deck fins

are provided at right and left side portions of the deck so as to protrude upward from an upper surface of the foot deck, and the mufflers are contained in the right and left deck fins, respectively.

Claim 9 depends from claim 8 and is allowed for the same reasons claim 8 is allowed.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617  
10/6/05

10/6/05